

REMARKS

Applicant respectfully submits this response to the Office Action of October 5, 2004 and requests reconsideration of the application as amended in light of the following remarks. Claims 25-40 and 42-56 stand allowed, and claims 2-11, 15-21, 23, 24, 58-65 and 70-78 stand objected to as dependent on a rejected base claim. Applicant thanks the Examiner for these actions.

Claims 67 and 68 stand rejected under 35 U.S.C. § 112, ¶ 2. Claim 41 stands rejected under 35 U.S.C. § 102(b) over Marshall '387. Claims 1, 13 and 14 stand rejected under 35 U.S.C. § 102(b) over Van Hartesveldt '269. Claim 57 stands rejected under 35 U.S.C. § 102(b) over Hutton '974. Claim 66 stands rejected under 35 U.S.C. § 103(a) over Hutton '974. Claim 69 stands rejected under 35 U.S.C. § 102(b) over Marshall '387 in view of Lorenz '686. Claims 12 and 22 stand rejected under 35 U.S.C. § 103(a) over Van Hartesveldt '269. Claims 57 and 67 have been amended. No new matter has been added.

Claims 67 and 68 stand rejected under 35 U.S.C. § 112, ¶ 2. Applicant has amended claim 67 to clarify the antecedent basis of terms used in the claim. Applicant submits that this amendment thereby clarifies the claimed invention, and neither broadens nor narrows the intended scope of the claim.

Claim 41 stands rejected under 35 U.S.C. § 102(b) over Marshall '387. Applicant claims:

41. An apparatus, comprising:
means for sealing a first portion of a plastic bag and a second portion of a plastic bag;
first means for activating the means for sealing for the first portion;
second means for activating the means for sealing for the second portion;
and
means for switching between the first means for activating and the second means for activating.

Applicant claims "first means for activating the means for sealing for the first portion" and "second means for activating the means for sealing for the second portion" which are means

which operate to cause the means for sealing to operate. Otherwise, they would not activate the means for sealing. The Office Action refers to the first and second means for activating as seams in the Marshall reference. A seam is a result of action by the means for sealing, with either a single seam or two seams resulting from operation of the means for sealing. Thus, items 26 and 28 do not meet the first and second means for activating claims elements. Regarding the text referred to, it appears that the two sealing stations do not meet the "means for sealing a first portion of a plastic bag and a second portion of a plastic bag" claim element, as the claim requires a single means which allows for sealing the bag in one location, unlike the two separate sealing stations. Accordingly, for at least these reasons, Applicant submits that claim 41 is not taught nor disclosed by the Marshall reference and is properly allowable.

Claims 1, 13 and 14 stand rejected under 35 U.S.C. § 102(b) over Van Hartesveldt '269.

Applicant claims:

1. An apparatus using a first voltage terminal and a second voltage terminal, comprising:
a first electrode coupled to the first voltage terminal;
a second electrode coupled to the second voltage terminal;
a heating strip having a first end and a second end, the first end coupled to the first voltage terminal, the second end coupled to the second voltage terminal;
wherein the first electrode is selectively connectable to the heating strip at a first intermediate contact, the first intermediate contact of the heating strip disposed between the first end and the second end; and
wherein the second electrode is selectively connectable to the heating strip at a second intermediate contact, the second intermediate contact of the heating strip disposed between the first intermediate contact and the second end.

Applicant claims "a heating strip having a first end and a second end, the first end coupled to the first voltage terminal, the second end coupled to the second voltage terminal" and further claims "first electrode is selectively connectable to the heating strip at a first intermediate contact, the first intermediate contact of the heating strip disposed between the first end and the second end" with a similar requirement for the second intermediate contact. Thus, four locations

on the heating strip must have heating contacts. The two ends of the strip must have the first and second contacts. Furthermore, the two intermediate contacts must be present on the heating strip between the two end contacts.

In the Van Hartesveldt '269 reference, the zone heaters 56 each have electrical contacts at their endpoints, but no intermediate contact points. Each switch 62 is connected to an end of a heating strip, but there are no intermediate contact points on each strip. The Van Hartesveldt reference refers to each zone heater 56 as a singular, separate component, so one may not infer that these heaters are all part of a single strip, such as the single heating strip 52 of Fig. 2 of Van Hartesveldt. Thus, the Van Hartesveldt reference does not meet the claim elements of claim 1. For at least these reasons, Applicant submits that claim 1 is not taught nor disclosed by the Van Hartesveldt reference. Regarding claims 13 and 14, Applicant further submits that because claim 1 is not anticipated, claims 13 and 14 also cannot be anticipated.

Claim 57 stands rejected under 35 U.S.C. § 102(b) over Hutton '974. Claim 57 has been amended, and now claims:

57. In a packaging machine, an ~~An~~ apparatus for selective application of electric voltage to a first voltage reception point and a second voltage reception point, using a first voltage terminal and a second voltage terminal, comprising:
a first electrode coupled to the first voltage terminal;
a second electrode coupled to the second voltage terminal;
wherein the first electrode is selectively connectable to the first voltage reception point; and
wherein the second electrode is selectively connectable to the second voltage reception point.

(additions underlined, deletions struck through)

Claim 57 requires that the first electrode is selectively connectable to the first voltage reception point and the second electrode is selectively connectable to the second voltage reception point. In Hutton '974, the battery (B) is always connected to the various electrodes, the question is only what the configuration of the circuit will be. Applicants thus submit that claim

57 as previously written is not anticipated by Hutton, as it is neither taught nor disclosed by the Hutton reference.

However, Applicant further submits that the claim as amended refers to a packaging machine, whereas the Hutton reference makes no mention of a packaging machine, and thus does not meet the claim elements. Accordingly, Applicant submits that claim 57 is allowable over the Hutton reference. Applicant also submits that the claim amendment does not necessitate a new search, as other claims of the application clearly relate to packing machines (e.g. vacuum packing machines) and thus caused an appropriate search already.

Claim 66 stands rejected under 35 U.S.C. § 103(a) over Hutton '974. Applicant understands this rejection to depend on the rejection of claim 57, above. As claim 57 has been shown not to be anticipated, Applicant submits that claim 66 is similarly not rendered obvious by the Hutton reference.

Claim 69 stands rejected under 35 U.S.C. § 102(b) over Marshall '387 in view of Lorenz '686. Claim 69 claims:

69. A method of sealing a seam of a bag, comprising:
vacuuming gases from the bag;
sealing a first portion of the seam utilizing a first configuration;
shifting to a second configuration; and
sealing a second portion of the seam utilizing the second configuration.

Thus, claim 69 requires sealing a first portion of a seam with a first configuration and sealing a second portion of the seam with a second configuration. Regarding Marshall '387, two separate seams are created, one is referred to as seam 26, and opening 28 appears to receive a second seam. It is not apparent to Applicant that the Marshall reference teaches, discloses or suggests sealing a first portion of a seam and a second portion of the same seam. Applicant submits that sealing the same seam reduces manufacturing costs and simplifies the sealing process, and thus is advantageous relative to the apparatus of the Marshall reference.

Applicant also submits that the combination of the Marshall reference with the Lorenz '686 reference is improper. Marshall specifically refers to filling of a flowable material. See Marshall, Abstract. Lorenz is cited for vacuuming. However, vacuuming a flowable material, without significant design efforts, is likely to result in vacuuming of the flowable material. Thus, the combination, without significant experimentation and design, is inoperable and is thus inappropriate.

Accordingly, for at least the reasons above, Applicant submits that claim 69 is allowable over the combination of Marshall and Lorenz, as it is neither taught, disclosed, or rendered obvious by the combination.

Claims 12 and 22 stand rejected under 35 U.S.C. § 103(a) over Van Hartesveldt '269. Applicant understands this rejection to depend upon the rejection of claim 1, discussed above. As claim 1 has been shown to be allowable over the Van Hartesveldt reference, Applicant submits that for at least those same reasons, claims 12 and 22 which depend directly or indirectly on claim 1 are also allowable, that Van Hartesveldt neither teaches, discloses, nor renders obvious claims 12 and 22.

Applicant respectfully requests reconsideration of the application as amended, and allowance of the claims as amended.

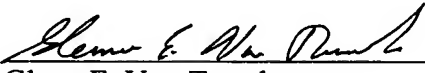
CONCLUSION

If the Examiner believes that a conference would be of value in expediting the prosecution of this application, the Examiner is cordially invited to telephone the undersigned counsel at (650) 838-4300 to arrange for such a conference.

No fees are believed to be due, however, the Commissioner is authorized to charge any underpayment in fees to Deposit Account No. 50-2207, including any funds necessitated due to an accompanying check being drawn on an account with insufficient funds. To the extent necessary and not otherwise requested, Applicant requests an Extension of Time to respond to the Office Action, and requests that the fee for such an extension be charged to Deposit Account number 50-2207. This paper is being filed in duplicate.

Respectfully submitted,

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